

## Your reply to OCLA re: masks

**From:** Adele Mercier [REDACTED]  
**To:** Jeff <jmclaren@cityofkingston.ca>  
**Cc:** Joseph Hickey | OCLA <joseph.hickey@ocla.ca>, moorek@queensu.ca <moorek@queensu.ca>, kflaphi@kflaph.ca <kflaphi@kflaph.ca>, Mayor of Kingston <mayor@cityofkingston.ca>, Gary <goosterhof@cityofkingston.ca>, Simon <schapelle@cityofkingston.ca>, Lisa <losanic@cityofkingston.ca>, Wayne <whill@cityofkingston.ca>, Bridget <bdoherly@cityofkingston.ca>, Robert <rkiley@cityofkingston.ca>, Mary Rita <mrholland@cityofkingston.ca>, Jim <jneill@cityofkingston.ca>, Peter <pstroud@cityofkingston.ca>, Rob <rhutchison@cityofkingston.ca>, Ryan N. <rnboehme@cityofkingston.ca>, mayor\_smith@centralfrontenac.com <mayor\_smith@centralfrontenac.com>, rvandewal@southfrontenac.net <rvandewal@southfrontenac.net>, mayorhiggins@explornet.com <mayorhiggins@explornet.com>, denisdoyle@kos.net <denisdoyle@kos.net>, councillormartintwsp@gmail.com <councillormartintwsp@gmail.com>, billmacdo@outlook.com <billmacdo@outlook.com>, councillorrevill@gmail.com <councillorrevill@gmail.com>, thehiggs100@hotmail.com <thehiggs100@hotmail.com>, info@greaternapanee.com <info@greaternapanee.com>  
**Subject:** Your reply to OCLA re: masks  
**Date:** Tuesday, June 30, 2020 9:49 AM  
**Size:** 25 KB

---

Dear Jeff,

I don't disagree with many of your criticisms of OCLA. For like reasons, I am not a member of OCLA. However, your letter too misses the mark.

As you go to pains to quote, "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law **as can be demonstrably justified** in a free and democratic society." OCLA's challenge is that it is precisely **not demonstrably justified by science** that masks protect.

Citing Oakes is way over-reaching. The *Narcotic Control Act* is aimed at curbing drug trafficking by facilitating the conviction of drug traffickers: the means are appropriate to the ends. Enforcing masks is aimed at curbing the spread of COVID by impeding viral transmission. According to the science cited by OCLA, *the means are not appropriate to the ends*.

Section 22(1) of The Ontario Health and Protection and Promotion Act allows a medical officer of health to order measures "where he or she is of the opinion, upon reasonable and probable grounds,

(c) that the requirements specified in the order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

R.S.O. 1990, c. H.7, s. 22 (2); 1997, c. 30, Sched. D, s. 3"

OCLA is precisely denying reasonable and probable grounds to believe that masks are necessary to decrease or eliminate the risk to health presented by a virus (corona or otherwise). It cites good science in support of this view. It is this that needs answering by lawmakers ordering stringent measures on everyone. It is not a trivial challenge that you can dismiss by citing your medical officer. Your medical officer must be able to explain to you how science has demonstrated that masks are necessary, so you can explain it to the public. Neither has done that, and according to OCLA, it cannot be done. Waiting for someone to test this at the Supreme Court is an abdication of leadership.

Again, this is not to be interpreted as opposition to any measures currently in place in Kingston.

Sincerely,

*Adèle Mercier*

Dept of Philosophy, Queen's University, Kingston, CANADA K7L 3N6  
tel (613) 533-2182; fax (613) 533-6545

LOGOS - Logic, Language & Cognition Research Group  
Departament de Lògica, Història de la Ciència, Universitat de Barcelona, SPAIN